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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1586/2021

EAST DELHI MUNICIPAL CORPORATION ..... Petitioner

Through: Mr. Manu Chaturvedi, Standing  
Counsel and Mr. Arjun Rekhi, Advs.  
for EDMC

versus

COMMISSIONER OF POLICE, GNCTD & ORS..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel,  
Mr. Satyakam, Advocate for GNCTD.  
Mr. Jivesh Kumar Tiwari, Advocate  
for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**05.02.2021**

**CM APPL. 4497/2021**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 1586/2021 & CM APPL. 4496/2021**

1. Issue notice. Notice is accepted by learned Standing Counsels for the GNCTD and by counsel for respondent No.4.
2. The East Delhi Municipal Corporation has preferred the present writ petition on an extremely urgent basis, seeking the following reliefs:

*“(a) Allow the instant petition and pass directions to the Respondent authorities to ensure that there is no obstruction in the performance of duties by the Petitioner, its officials and employees, including safai karamchaaris willing to work;*

*(b) Pass directions to the Respondent authorities to provide necessary assistance so that day-to-day operations of the Petitioner can be run smoothly and no inconvenience is caused to the members of the general public;*

*(c) Pass directions to the Respondent authorities to take all appropriate steps to remove safai karamcharis, including members of the Respondent Unions and other individuals from the area outside the headquarters of the Petitioner and ensure smooth ingress and egress to the same;”*

3. The background in which the present writ petition has been preferred is that on account of the COVID-19 pandemic which has been raging for nearly a year, and the consequent lockdown imposed by the Government from time to time, the overall economic growth in the country was severely impacted. The same also impacted the revenue generation of the Governments and its instrumentalities, including the Municipal Corporations in Delhi. Resultantly, the three Municipal Corporations of Delhi (MCD), have been facing difficulty in disbursing salaries to their employees.

4. Consequently, a batch of writ petitions raising grievances regarding non-payment of salaries to all classes of Municipal employees is pending before this Court wherein we have been passing orders, as a result of which, all Group D employees with whom we are presently concerned, have been paid their outstanding salaries till December, 2020. The petitioner has also placed on record a certificate to show that the process of disbursal of salaries for the Group D employees for the month of January, 2021 has already been initiated yesterday *i.e.* on 04.02.2021.

5. Due to non-payment of salaries in a timely manner, and for pressing their other demands, the *Safai Karamcharis* of the MCDs have been striking

work and carrying out their agitation.

6. Mr. Chaturvedi has drawn our attention to several photographs placed on record showing huge heaps of garbage lying at various locations on the streets falling within the jurisdiction of East Delhi Municipal Corporation (EDMC). He has placed on record the complaints sent by the EDMC to the Deputy Commissioner of Police regarding the obstruction of municipal employees from discharging their statutory duties under the Delhi Municipal Corporations Act, 1957 and the Epidemic Disease Act, 1897. From a perusal of same, it appears that the drivers of the vehicles carrying garbage were waylaid by miscreants, who left the garbage in these vehicles lying strewn on the streets.

7. Mr. Chaturvedi submits that on 03.02.2021, the Headquarter of the EDMC was gheraoed and the ingress and egress to the said Headquarter was severely obstructed, as a result of which, the functioning of the EDMC itself was impeded. He has also drawn our attention to an order passed in similar circumstances by a Division Bench of this Court in W.P. 5978/2015 titled *Anupam Bhatnagar v. Union of India & Ors.* which had resulted in directions to all parties concerned, including the Commissioner of Police, to ensure that the garbage is not strewn by the striking workers, and is removed to prevent inconvenience to the residents of the city or arrest any spread of diseases.

8. Today, advance notice of the petition was served upon respondent Nos. 3 and 4 and their office bearers were also contacted on their mobile phones. After making this Court wait for some time, Mr. Jivesh Kumar Tiwari, Advocate has appeared on behalf of respondent No. 4. Despite

service of advance notice, none has appeared for respondent No.3

9. Mr. Tiwari states that today itself, a writ petition preferred by nine Karmachari Unions of the three MCDs – wherein they have sought a direction that their grievances be addressed, was listed before a learned Single Judge, before whom they have already made a statement undertaking to withdraw their strike. He, therefore, assures us that the Municipal Safai Karamcharis will be resuming their duties from tomorrow.

10. We are happy to hear of this development. At the same time, we must observe that even if the Municipal Safai Karamcharis, or some of them, have any grievance and resort to a legal strike, they are not entitled to take the law into their own hands and create anarchy in the society. The kind of conduct alleged against them, which is evident from the documents placed on record – including the photographs, is completely unacceptable. Everyone should realise that in a civilised society, such anarchy cannot be permitted to prevail, and it is essential for everyone to maintain the Rule of Law and Public Order. All the concerned authorities, including the Police must take all necessary steps to prevent such situations, and to strictly deal with any such menace created by the miscreants.

11. Mischievous and unruly persons who take the law into their hands and create anarchy and nuisance in the society do not deserve to be shown any leniency or compassion. The State should send a stern and clear message to the society at large of their duty to remain within the bounds of law even while agitating their cause, and it cannot fail to enforce the law – lest it leads to breach of peace; loss of life and damage to public and private property, and; conveys the impression that the State is helpless and unable to deal with

the situation. Over indulgence and uncalled for patience – when the law and order is being breached; Public and Private property is being damaged and public servants and other citizens are being made to suffer, gives rise to the impression that the State is weak and soft, and emboldens the miscreants – who have no respect for the law, to further breach the law and to take it into their hands. Thus, all such elements should be dealt with befittingly, as and when the situation requires.

12. We, therefore, direct the Commissioner of Police to take all steps necessary to maintain the law and order and prevent the kind of conduct that some of the miscreants appear to have resorted to as noticed hereinabove. Delhi Police shall also act in terms of the earlier order passed in W.P.(C) 5978/2015 to deal with the present situation. The arrangement worked out by the Court in paragraph 11 of the aforesaid order shall be re-implemented to deal with the present situation, which is being reproduced below for the sake of convenience:

*“The Court is of the view that both the issues viz., the immediate removal of the piled up garbage as well as the payment of arrears of salaries to the safai karamcharis require immediate attention. As far as the former is concerned, a direction is issued to Commissioner of Police (‘CP’) [Respondent No.3 in W.P.(C) No. 5978/2015] to constitute specific task forces for each ward in East Delhi, which will be headed by a police officer not below the rank of the Sub-Inspector to oversee the ward-wise removal of garbage by the agencies employed by the EDMC for that purpose. The CP, or any Senior Officer as deputed by him for the purpose, is requested to work in close coordination with Commissioner, EDMC or his representative. For that purpose a meeting shall be held at 4 pm today itself so that the task of removal of garbage can begin straightway,*

*preferably by nightfall. The meeting can take place, subject to mutual convenience, at either of their offices but should definitely take place today.”* (emphasis supplied)

13. The meeting referred to above be held at the earliest upon receipt of this order.

14. We also direct the Safai Karmacharis of the two respondent unions, as well as all other *Safai Karmacharis* of the Municipal Corporations in Delhi, and their unions, not to take law into their hands by causing obstruction in removal of garbage or by strewing it on the streets of the city. They are also directed not to obstruct or block the ingress and egress into the offices of the Municipal Corporations. We direct the Municipal Corporations to take strict disciplinary action against any *Safai Karmachari*, found to be indulging in such like activities.

15. A copy of this petition be served on respondent Nos. 3 and 4 during the course of the day, who may file their counter affidavits within three weeks. List on 04.03.2021.

16. On the next date of hearing, the President and Secretary of the Safai Karmacharis Unions are directed to personally remain present during the hearing.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**FEBRUARY 05, 2021**

*N.Khanna*